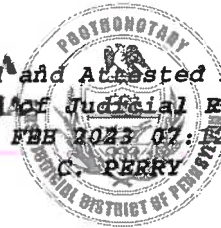


Exhibit A

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA**

Filed and Attested by the
Clerk of Judicial Records
22 FEB 2023 07:10 am
C. PERRY



LACRETIA FLUELLEN

FEBRUARY 2023

V.

**CITY OF PHILADELPHIA
DISTRICT COUNCIL 33**

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

**Philadelphia Bar Association
Lawyer Referral
and Information Service
1101 Market St., 11th Floor
Philadelphia, Pennsylvania 19107
(215) 238-6333**

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta presentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las providencias de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

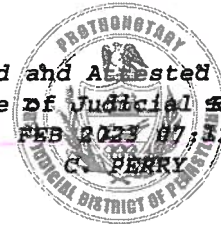
Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

**Asociacion De Licenciados
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Servicio De Referencia E
Informacion Legal
1101 Market St., 11th Piso
Filadelfia, Pennsylvania 19107
(215) 238-6333**

Bm

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS
CIVIL TRIAL DIVISION

Filed and Attested by the
Office of Judicial Records
22 FEB 2023 07:12 am



TERM: FEBRUARY 2023

LACRETIAFLUELLEN

V.

CITY OF PHILADELPHIA

DISTRICT COUNCIL 33

COMPLAINT-CIVIL ACTION

WRONGFUL TERMINATION DUE TO AGE AND DISABILITY DISCRIMINATION

RETALIATION AND HARRASSMENT

COMPLAINT FOR WRONGFUL TERMINATION DUE TO DISABILITY DISCRIMINATION, AGE
DISCRIMINATION, RETALIATION AND HARRASSMENT

1. LaCretia Fluellen, is an 55 year old, Female, whom at all times pertinent to this Claim, and now resides in the City of Philadelphia
2. The City of Philadelphia, is an Municipality Government Entity, within the State of Pennsylvania. Their Mailing address at all times pertinent to this Claim and currently is 1515 Arch Street 14th Floor, Law Department, Philadelphia, PA. 19103
3. District Council 33, is an Union whom is responsible for negating Civil Service Regulations regarding Employment, Salary, and Health and Welfare benefits, Legal Representation for all employees with Disputes concerning these Regulations with Special Considerations for those employees whom are considered Full Share Contributors to the union. At all times Pertinent to this Claim and Currently their Mailing Address is 3001 Walnut Street , 5th Floor, Legal Department, Philadelphia, , Pennsylvania 19104.
4. The City of Philadelphia, has Discriminated against LaCretia Fluellen due to her Age and Disability's, by erecting Wage Theft against her Person, and Wrongful Termination from 2 City Departments , The free Library of Philadelphia and the Board of Pensions and Retirement with effective dates of November 1, 2019, November 1, 2020. Without Proper Notice and Opportunity to defend against Civil Service Regulations for 2019.
5. District Council 33 has Discriminated against LaCretia Fluellen due to her Age and Disabilities, by not providing representation of her issues concerning her wages, and allegations of Discrimination, and hidden knowledge from Petitioner, after Petitioner was Rejected from her Probationary Interdepartmental Transfer and allowing the City of Philadelphia to terminate her from the Board of Pensions and Retirement after becoming an Permanent Employee due to continuous Work and Pay under their Department without Written Notice or opportunity to Defend against Civil Service Regulations for 2019.

6. LaCretia Fluellen, had Pre existing Health issues prior to her employment with the City of Philadelphia and Health issues that developed while employed with the City of Philadelphia.
7. LaCretia Fluellen, was an Health Insurance Agent for the State of Pennsylvania, along with several other States within the U.S., before and During her employment with the City of Philadelphia.
8. LaCretia Fluellen, did obtain an Mental Health Certification and Business law Certification while employed with the City of Philadelphia, allowing her to be eligible for an 2 Step increment, upon receiving an Satisfactory Evaluation.
9. At all times pertinent to this Matter, LaCretia Fluellen did have the following Health Issues, knee Arthritis, mid back paraspinal Injury, lower Back Injury, lower back spinal injury, neck injury, Intestinal disease that required an Bowel resection surgery and epigastric issues related to her disease of the Intestines.
10. LaCretia Fluellen, began her employment with the City of Philadelphia in 2011, when she was hired as an Temporary Employee as an 311 Operator. The City of Philadelphia in Conjunction with the Mayor's Office of Community Service did inform Petitioner after completion of 1 week of Training and Completing pay Documentation through the City of Philadelphia, that she would be paid an Minimum Wage of \$7.25 an hour due to her being an Program representative of an Welfare to Work Program instead of the set Salary of \$22.00 an hour. Petitioner declined this offer of employment.
11. LaCretia Fluellen, began her full-time employment with the Free Library in February of 2014, when she was hired from the Clerk 1 hiring list.
12. LaCretia Fluellen, while working for the Free Library in February of 2016. After presenting to an Hospital Emergency Room, she was diagnosed with Acute Diverticulitis with Several Perforations in her Colon. Petitioner returned to Work March of 2016, with strict restrictions concerning lifting weight, bending, pulling, or stooping. LaCretia Fluellen, was again out of Work for Surgery of this Condition from July of 2016 thru September of 2016. No Injury on Duty Form was given to Petitioner, outlining her right to obtain Workman's Compensation for this illness, to support her income while away from Work. No report was made to the Department of Labor as required by law.
13. On April 8, 2019, LaCretia Fluellen, began her employment with the Board of Pensions and Retirement as an Interdepartmental Promotional Employee.

14. On April 8, 2019, LaCretia Fluellen , had been assigned an Salary, according to Civil Service Regulations, equivalent to an Pay Grade 11 Step 4 equal to an Amount of \$42,196.00. The Board of Pensions and Retirement did not pay LaCretia Fluellen her assigned Salary.
15. The Board of Pensions informed LaCretia Fluellen, that without Signature of their Proposed Salary , equivalent to an Grade 11 Step 1 equal to an amount of \$38,634.00, she would not be paid.
16. Petitioner did reach out to Human Resources for Confirmation of her assigned Salary. Sheila Pate Deputy Director for Human Resources, responded to LaCretia Fluellen by Phone, informing her she would investigate and get back with her. Sheila Pate changed LaCretia Fluellen assigned Salary after the Completion of her 5 Month Satisfactory Evaluation without notice or Reason within the employee System.
17. LaCretia Fluellen, signed Salary Paperwork for the Board of Pensions and Retirement, at the Grade 11 Step 1 Salary of \$38634.00, while pending confirmation from Sheila Pate.
18. LaCretia Fluellen reached out to District Council 33, and spoke with Bobby Davis, President of District Council 33, concerning my Salary issues. He questioned LaCretia Fluellen, employment to the Department and informed her not to disagree with any Salary offered Correct or Not during her Probationary Period.
19. LaCretia Fluellen was approved for FMLA in July 2019, and was actively attending Physical Therapy and Doctor Appointments for an Workplace incurred Injury and aggravation, that commenced on December 27, 2018, while working for the Free Library.
20. May 2019, LaCretia Fluellen, received an Satisfactory 2 Month Evaluation, from Steve Martin, Pensions Counselor Supervisor.
21. In August 2019, LaCretia Fluellen, received an Satisfactory 5 Month Evaluation From Pamela Dent, Administrative Assistant.

22. LaCretia Fluellen was assigned to the DROP Program Unit. Duties included Approval/Disapproval of Employee DROP Applications, explanation of Program Rules, investigating employee records for Pension Estimates.
23. LaCretia Fluellen, received an Probationary Rejection from the Board of Pensions and Retirement on September 13, 2019, with allegations of refusal to carry an calculator , refusal to write out Math Formulas, errors in her Work, and Speaking with an Supervisor from another department for information concerning an employee Pension Estimate.
24. LaCretia Fluellen was told by the Board of Pensions and Retirement and the Mayor's Office of Labor Relations to return to her former position at the Free Library of Philadelphia against Civil Service Regulations in place concerning Probationary Rejection for 2019.
25. Civil Service Regulations in place for Probationary Rejection, in 2019, gave Petitioner 20 days to defend allegations for Rejection to the Director of Human Resources and Decision rendered within 10 days after.
26. LaCretia Fluellen, returned to the Free Library on September 23, 2019. She was assigned to the Health and Wellness Department, where she assumed the Position of Library Assistant 1, and Out of Class, Library Assistant 2.
27. LaCretia Fluellen prior Service with the Free Library had her placed in an Sedentary Position , doing Customer Service Assignments due to her ongoing Health Issues.
28. LaCretia Fluellen, had filed an Complaint with the Mayor's Office of Labor Relations against an employee my immediate Supervisor informed me had brought an gun to work. I was also informed to take steps to protect myself from this Employee. Mayor's office of Labor Relations did confirm that an Gun was found in the employee only area of the Building frequented by this employee. No action was taken against this Employee . Upon return to the Free Library, in September 2019, this employee was now in the Sedentary Position, Plaintiff was in prior to her Interdepartmental Promotional to the Board of Pensions and Retirement Department.
29. LaCretia Fluellen, continued to be paid by the Board of Pensions, while working for the Free Library from September 23, 2019 thru November 1, 2019, until her resignation from the Free Library due to health flare-ups caused by the Non Allowance of Prior FMLA Paperwork on file with the Library or Paperwork on file with the Board of Pensions and Retirement, whom were paying her salary.

30. On October 12, 2019, LaCretia Fluellen, while working Overtime for the Free Library, had an Acute epigastric episode that caused a flare-up of her prior Intestinal Issues. Again she was not given an Injury on Duty form from the Free Library or the Board of Pensions and Retirement. This Injury also was not reported to the Department of Labor as required by law.
31. LaCretia Fluellen, resigned from the Free Library on November 1, 2019. Her resignation was signed by Richard Di Lorenzo, Human Resources Administrator for the Free Library.
32. The Free Library, did hide their knowledge that LaCretia Fluellen, was still an Clerk 3, and obtained Permanent Status effective Monday October 7, 2019 within the Board of Pensions and Retirement while working within their Department.
33. The Free Library did have LaCretia Fluellen, sign Assignment and Salary Paperwork Friday, October 4, 2019, as a means to continue to hide their knowledge, that she was an Permanent Employee of the Board of Pensions and Retirement at the end of the Business Day.
34. The Board of Pensions and Retirement along with the Free Library did hide their knowledge of LaCretia Fluellen, Job Title, Voided Probationary Rejection from the Board of Pensions and Retirement according to Civil Service Regulations and her Status as an Permanent Fulltime employee of the Board of Pensions and Retirement effective October 7, 2019. Due to the Board of Pensions and Retirement continuous payment of her Salary from their Department.
35. LaCretia Fluellen, was to be returned to her position within the Board of Pensions and Retirement effective October 7, 2019.
36. The Board of Pensions and Retirement Terminated LaCretia Fluellen, Permanent Status without Notice or opportunity to Defend on November 1, 2019.
37. LaCretia Fluellen, reached out to Anthony Dinkins, Union Representative for District Council 33, with assistance regarding her Probationary Rejection from the Board of Pensions and Retirement and to inform him of reasons for her Resignation from the Free Library

38. Anthony Dinkins, informed LaCretia Fluellen, that he would look into her Claims and get back to her. To date no Action has been taken by the Union concerning my employment within the City of Philadelphia.
-
39. District Council 33, was aware of LaCretia Fluellen, Permanent Status within the Board of Pensions and Retirement , and her Termination from the Department while Permanent. They did intentionally hide this knowledge from her to prevent her from having the Opportunity to Defend Herself.
40. District Council 33 receives Notification of all hired and Terminated Employees.
41. Prior to be accepted for an Interdepartmental Probationary Transfer, LaCretia Fluellen, was Present on the Clerk 1 Supervisor hiring list from 2015-2021, without any interviews. The Clerk 3 hiring List and the Library Assistant 2 list.
42. LaCretia Fluellen, has been unemployed from November 1, 2019, and remains unemployed at the erection of this Complaint.
43. The City of Philadelphia did intentionally and Maliciously Discriminate and Defame LaCretia Fluellen within her employment with the City of Philadelphia and outside her employment with the City of Philadelphia, with knowledge that their 3rd Party Vendor, OpenGovUs, to Publically display employee information including Termination from the Board of Pensions and Retirement on November 1, 2019 and the Free Library on November 1, 2019 and November 1, 2020. on their Website.
44. The City of Philadelphia has breached their employment Contract with LaCretia Fluellen.
45. The City of Philadelphia has Discriminated against the Age Discrimination Act in employment of 1967. The Americans with Disability Act of 1990., contract law under 42 PA 5525, Civil Service Regulations, and Title 231 1003 for any related issues.
46. LaCretia Fluellen, has been out of her job for more than 3 years, causing her an employed financial loss in excess of 100,000.00
47. As an result of the aforementioned Discrimination, LaCretia Fluellen, has endured Embarrassment, Humiliation, emotional Distress, and has sustained Financial Hardship.

48. LaCretia Fluellen, was able to apply and test for the Clerk 3 Promotional Hiring list on August 13, 2020, through an at home Testing Web Program. Petitioner's Rank was 132 on the Hiring list.
-
49. March 2021, LaCretia Fluellen, applied for an Clerk Supervisor 2 Test. I was informed by the Department Manager Joel Haley by email attachment that I did not meet the requirements of being an City of Philadelphia employee due to an Probationary Rejection on September 16, 2019, and an Resignation from the Free Library on November 1, 2019. Requirement unmet also was no Specialized Clerical Work History. Petitioner employment as an Health Insurance Agent was not considered.
50. On June 22, 2019, Petitioner received an Email from the Office of Human Resources, offering an Opportunity to Interview for the Clerk 3 position for that Office. CC'D in this email was Sheila Pate, Deputy Director of Human Resources, Tiffany Matthew's, relative of Pete Matthew's former DC 33 President. This offer of employment was rescinded at the end of the day through email, informing Petitioner, that she was no longer an Employee of the City of Philadelphia.
51. Petitioner did file an EEOC Complaint for Harrassment. LaCretia Fluellen received an right to Sue via email, dated November 14, 2022. Petitioner has Duel filed her Complaint with the Federal Courts, to preserve an loss of rights to Sue. Petitioner Complaint filed here with the State takes Precedence over the Federal Case.
52. The City of Philadelphia, has shown no interest in wanting Petitioner to continue being employed with their Organization. Based upon Defendants actions Petitioner is Emotionally stressed about having to be returned to employment with their Organization as an result of this Complaint.

Wherefore, Plaintiff, LaCretia Fluellen demands judgement in her favor for back pay, front pay, adjustments of pay reflected in her Pension, and payment to reflect past and continued emotional distress of Petitioner by Defendants, jointly, and Singularly in an sum in excess of 50,000.

LaCretia Fluellen

Dated: February 20, 2023

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA**

Filed and Attested by the
Clerk of Judicial Records
22 FEB 2023 07:37 am
C. PERRY

LACRETIA FLUELLEN

FEBRUARY 2023

V.

CITY OF PHILADELPHIA

OPEN GOV US

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